

1
2
3
4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7

8 DARRYL L TOLLIVER,)
9 Petitioner,) No C 07-5967 VRW (PR)
10 vs.) ORDER
11 ROBERT A HOREL, et al,) (Doc # 6)
12 Respondent(s).)
13

14 Petitioner has filed a motion for a certificate of appealability pursuant to
15 28 USC § 2253(c) and Federal Rule of Appellate Procedure 22(b), which the
16 court also construes as a notice of appeal.

17 A certificate of appealability is DENIED because petitioner has not
18 demonstrated that "jurists of reason would find it debatable whether the petition
19 states a valid claim of the denial of a constitutional right and that jurists of reason
20 would find it debatable whether the district court was correct in its procedural
21 ruling." Slack v McDaniel, 529 US 473, 484 (2000) (emphasis added).

22 The clerk shall terminate the motion in docket item number 6 and forward
23 to the court of appeals the case file with this order. See United States v Asrar,
24 116 F3d 1268, 1270 (9th Cir 1997).

25 SO ORDERED.

26 
27 VAUGHN R WALKER
28 United States District Chief Judge